

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

REYNALDO RODRIGUEZ

Plaintiff

V.

AUTOTRANSPORTES VARELA

DAVILA SA DE CV AND

FERMIN RODRIGUEZ

Defendants

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CIVIL ACTION NO. _____

DEFENDANTS' NOTICE OF REMOVAL

Defendants file this notice of removal under 28 U.S.C. §1446(a).

A. INTRODUCTION

1. Plaintiff is Reynaldo Rodriguez; Defendants are AutoTransportes Varela Davila SA De CV and Fermin Rodriguez.

2. On December 19, 2018 Plaintiff sued Defendants in the 370th Judicial District Court, Hidalgo County, Texas, alleging that on April 6, 2018, Defendant Fermin Rodriguez who was allegedly driving a Freightliner allegedly owned by Defendant Autotransportes Varela Davila SA De CV, was attempting to turn onto International Parkway in McAllen, Texas from a private drive and allegedly collided with Plaintiff's vehicle.

3. Defendant Autotransportes Varela Davila SA De CV was served with suit and citation on January 2, 2019. Defendant Fermin Rodriguez was served with the suit and citation on January 14, 2019. Defendants file this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. Of Regents of Univ. of Tex. Sys. V. Nippon Tel. & Tel. Corp.*, 478 F. 3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of Texas. Defendant AutoTransportes Varela Davila SA De CV is a foreign company operating in Mexico. Defendant Fermin Rodriguez is a citizen of Mexico.

5. All Defendants who have been properly joined and served join in or consent to the removal of this case to federal court. 28 U.S.C. §1446(b)(2)(A); *Cook v. Randolph Cnty.*, 573 F.3d 1143, 1150-51 (11th Cir. 2009); *Pritchett V. Cottrell, Inc.*, 512 F.3d 1057, 1062 (8th Cir. 2008); *Harper v. AutoAlliance Int'l, Inc.*, 392 F.3d 195, 201-02 (6th Cir. 2004).

6. Copies of all pleadings, process, orders, and other filings in the State-Court suit are attached to this notice as required by 28 U.S.C. §1446(a) as Exhibit "A".

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

8. Defendants will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. INTRODUCTION

9. Plaintiff did not demand a jury in the state court suit.

D. CONCLUSION

10. In accordance with the above and having satisfied all the requirements pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, Defendants pray that this Court enter such further orders and grant such further relief as may be necessary to secure removal herein and prevent further proceedings in the 370th Judicial District Court of Hidalgo County, Texas. Defendants further pray for such other relief as they may be justly entitled to receive.

Respectfully submitted,

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By: /s/ Douglas E. Chaves

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**ATTORNEY-IN-CHARGE FOR
DEFENDANTS, AUTOTRANSPORTES
VARELA DAVILA DE CV and FERMIN
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument has been served upon all counsel of record to this proceeding by the manner indicated below, on this the 23rd Day of January, 2019.

/s/ Douglas E. Chaves
DOUGLAS E. CHAVES

Via eServe

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